

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

<b>RANDAL L. LESPAGNARD,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 4:17-cv-851</b>
	)	
<b>NPC INTERNATIONAL, INC., d/b/a</b>	)	
<b>PIZZA HUT #4706,</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF REMOVAL**

Defendant NPC International, Inc., by and through its attorney of record, Slagle, Bernard & Gorman, P.C., gives notice of removal pursuant to 28 U.S.C. §§ 1441 and 1446 and states as follows:

1. Defendant NPC International, Inc., is a corporation organized and existing under the laws of the state of Kansas with its principal place of business in Pittsburg, Kansas.
2. Defendant NPC International, Inc. was served with process on September 11, 2017, in a civil action filed in the Circuit Court of Jackson County, Missouri, and assigned Case Number 1716-CV16987. The Summons and Petition are attached hereto as Exhibits A and B.
3. This Notice is filed within 30 days of receipt of the Summons and Petition.
4. The Petition alleges that, as a direct and proximate result of the negligence of the Defendant, Plaintiff Randal L. Lespagnard sustained injuries to his back and left shoulder after allegedly slipping on the kitchen floor in Defendant's Pizza Hut restaurant. Plaintiff is seeking damages for medical expenses, loss of income, loss of future income, and pain and mental anguish.

Further, Plaintiff alleges that he will be prohibited from fully enjoying life and recreational activities in the future.

5. While the Petition does not specifically state the amount of damages, Plaintiff has alleged an injury to his shoulder and a compression fracture of his spine due to the incident underlying his complaint. Plaintiff's claim is subject to a workers' compensation lien and defense counsel understands that Plaintiff is considering a surgical intervention for his shoulder that is not reflected in the workers' compensation settlement. Plaintiff is also claiming loss of income and loss of future income, as well as compensation for pain and suffering. Given the nature of injuries alleged, as well as the other classes of damages claimed, plaintiff will be seeking damages in excess of \$75,000.

6. Federal jurisdiction is present in this matter pursuant to 28 U.S.C. § 1332 because the matter in controversy exceeds the sum of \$75,000 and is between citizens of different states.

7. Removal of this action to the United States District Court for the Western District of Missouri, Western Division is proper under 28 U.S.C. § 1441 because this Court has original jurisdiction of this matter under 28 U.S.C. § 1332 and the requirements of 28 U.S.C. § 1441 et seq. have been met.

8. Both the Plaintiff's residence and the situs of Plaintiff's claims allegedly arose in Jackson County, Missouri. Therefore, venue is proper in this district pursuant to 28 U.S.C. § 1391(a) and (b).

9. That contemporaneous with the filing of the Notice of Removal, this Defendant has filed a Notice of Filing Notice of Removal of this case with the Circuit Court of Jackson County, Missouri, and served a copy of same on counsel for Plaintiff.

WHEREFORE, Defendant NPC International, Inc., prays that this action now pending against it in the Circuit Court of Jackson County, Missouri, be removed to the United States District Court for the Western District of Missouri, Western Division, for all further proceedings and for such other and further relief as this Court shall deem just and proper.

SLAGLE, BERNARD & GORMAN, P.C.

s/Stanley N. Wilkins  
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Attorneys for Defendant  
NPC International, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2017, I electronically filed the foregoing with the clerk of the court by using the CM/ECF systems which will send a notice of electronic filing to the following and was mailed to:

Michael T. Yonke  
Charles R.C. Regan  
Yonke Law, LLC  
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Kansas City, MO 64105  
Attorneys for plaintiff

s/Stanley N. Wilkins  
Attorneys for Defendant  
NPC International, Inc.